IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
CIVIL APPLICATION NO.2340 OF 2006
IN
WRIT PETITION (STAMP) NO.43186 OF 2002

M.V.S.Murty ...Applicant/Petitioner.
V/s.
Union of India ...Respondents.

Mr.J.V.Pande advocate for the Applicant absent.
Shri M.V.S.Murty Applicant in person present.
Mr.A.M.Sethana with Mr.Y.R.Mishra for Respondent Nos.1 and 2.

CORAM: B.H.MARLAPALLE &
J.H.BHATIA, JJ.
DATE : 8th November, 2006.
P.C.:

1. This is an application for restoration of writ petition under Stamp No.43186 of 2002. As per the office note, application is beyond time by 3 years and 145 days. When the application was called out for hearing on 10-10-2006, the learned counsel appearing for the Respondents had sought time to file reply. Reply has been filed.

2. Writ Petition (Stamp) No.43186 of 2002 was dismissed for non removal of office objections within the granted time on or about 12-8-2003 and the objection was that the second set of the petition alongwith its annextures was not filed. Petitioner/ Applicant has by now furnished second set and thus, removed office objections.

3. In respect of delay condonation, it has been submitted by the applicant that he had shifted to his native place in East district of Andhra Pradesh in September, 2001, i.e., just before the Review Petition was dismissed by the Central Administrative Tribunal. After the petition was filed before this Court he was not aware nor he was in touch with the advocate who filed the petition. As per the applicant, the clerk of the learned advocate who filed the petition failed to comply with the direction to submit second copy of the petition and for that he should not suffer.

4. We are of the considered opinion that this is a fit case to condone the delay by taking into consideration the affidavit filed by the applicant party- in- person. Hence, delay is condoned and application is allowed in terms of prayer clauses (a) and (b).

5. Writ Petition under Stamp No.43186 of 2002 be listed for admission from 14th November, 2006.

(J.H.BHATIA,J.) **(B.H.MARLAPALLE,J.)**